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PATENT COOPERATION TREATY

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PCT/FR2003/001550



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference YK/B.0558PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/001550	International filing date (day/month/year) 22 mai 2003 (22.05.2003)	Priority date (day/month/year) 30 mai 2002 (30.05.2002)
International Patent Classification (IPC) or national classification and IPC C22C 45/00, 45/10, A47J 36/02		
Applicant SEB S.A.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 12 décembre 2003 (12.12.2003)	Date of completion of this report 08 October 2004 (08.10.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/001550

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
pages _____ 1-8 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-14 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	7, 11-14	YES
	Claims	1-6, 8-10	NO
Inventive step (IS)	Claims		YES
	Claims	1-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations**1. Reference is made to the following documents:**

D1: DE 198 33 329 A (DRESDEN EV INST FESTKOERPER)
27 January 2000

D2: US-A-5 735 975 (JOHNSON WILLIAM L ET AL) 7 April
1998

D3: EP-A-0 356 287 (CENTRE NAT RECH SCIENT)
28 February 1990

2. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 does not satisfy the criteria for novelty defined under PCT Article 33(2).

2.1 Document D1 (column 1, line 1 to column 3, line 10) describes (cf. claim 1) a:

- Food cooking surface for a kitchen utensil or cooking appliance (*thanks to its features (column 1, lines 3 to 10), the surface in D1 can be used as a cooking surface, particularly because said surface has improved stability in relation to heat treatment (column 2, lines 46*

to 48)),

- said cooking surface consisting of an amorphous metal alloy (column 1, lines 47 to 59).

2.1. Document D3 (page 1, lines 3 to 46) also describes all the features of claim 1, that is a:

- Food cooking surface (page 1, lines 43 to 46) for a kitchen utensil or cooking appliance,
- said cooking surface consisting of an amorphous metal alloy (page 1, lines 28 to 31).

3. Dependent claims 2 to 14 do not contain any features which, when combined with the features of any one of the claims to which they refer, might define subject matter that complies with the requirements of novelty or inventive step of the PCT, for the following reasons:

- claim 2 (novelty): nanocrystalline (D1, column 1, lines 60 to 62);
- claims 3 and 4 (novelty): D1 (abstract);
- claim 5 (novelty): D3 describes alloy coating in the manufacture of kitchen utensils (abstract);
- claims 6 and 8 (novelty): cathode sputtering/pulverising: D3: (page 3, lines 18 to 25);
- claim 7 (inventive step): routine design measures;
- claim 9 (novelty): D2 (page 1, lines 3 to 5);
- claim 10 (novelty): known from D2 (page 2, lines 7 to 12);
- claims 11 to 14 (inventive step): routine measures in the manufacture of a metallic surface.